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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,954

Applicant(s)

NISHIZAWA, YASUO

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-11 are pending in this application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 8, 2000 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the phrase "communicate each other" should read --communicate *with* each other--. Appropriate correction is required.
5. Claim 4 is objected to because of the following informalities: in line 1, "4. .A" should be replaced with --4. A--. Appropriate correction is required.
6. Claim 6 is objected to because of the following informalities: the phrase "to enable clients to chat each other client's PC" should read --to enable clients to chat *with* other client's PC--. Appropriate correction is required.
7. Claim 7 is objected to because of the following informalities: in line 3, the term "sever" should be replaced with --*server*--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 3, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claims 3 and 7, the term "etcetera (etc.)" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etcetera (etc.)"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

11. Regarding claim 9, the phrase "like so called TV phone" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like so called"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-3, 6, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,038,296 to Brunson et al (hereinafter "Brunson").

In considering claim 1, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP protocol program (column 2, lines 46-48) working with WEB server (Fig. 2, "206"), characterized in that it comprises:

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an application program working with WEB server through HTTP protocol embedded in multi client PC (column 4, lines 12-16);

above mentioned each client and HTTP communication program connected with Internet or Intranet (column 3, lines 35-36) and WEB server (Fig. 2, "206") including WEB type chat server, which has CGI interface to execute application (Fig. 2, "207");

said WEB type chat server using PC application so that each client can communicate each other in the semi real time electronic message communication (chat) (column 5, lines 53-67).

In considering claim 2, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP (column 2, lines 46-48) characterized in that it comprises:

above mentioned client application program consistently accessing and communicating with WEB server through HTTP communication program even in the situation that each client does not activate browser software (column 4, lines 1-4 and lines 12-16).

In considering claim 3, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP protocol (column 2, lines 46-48) characterized in that it comprises:

said client application program which is able to activate, display, transmit and receive several multimedia application, contents, information by working with WEB server and HTTP in the small display space occupied in the client's PC (column 5, lines 53-67).

In considering claim 6, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP (column 2, lines 46-48) composed to enable clients to

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chat each other client's PC through WEB server by following the procedure in which one client chooses the other clients whom he wants to chat with in the list of the application, and request message for chat is made and if the requested client responds to the request, then the chat starts (column 5, lines 3-14).

In considering claim 8, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP protocol (column 2, lines 46-48) characterized by being composed to be able to communicate with other clients by activating other browser by clicking HTML format display portion in client application which is possible to hyperlink (column 4, lines 33-41).

In considering claim 9, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP protocol (column 2, lines 46-48) according to Claim 3, characterized in that the function is established to enable communication, which shows other parties' faces or motion pictures of chatting party in the display space of client's application, in accordance with the defined procedure (Fig. 7, "<SUBSCRIBER'S GIF OR BITMAP IMAGE>").

In considering claim 10, Brunson discloses a multimedia direct communication system (Fig. 2, "101") interlocking with HTTP protocol (column 2, lines 46-48) characterized in that it comprises:

web server including function of identity confirmation or verification confirmation which confirms whether the client really has the right to access the WEB server when one client wants to access to the said WEB server and starts chatting with other clients or tries to get multimedia

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information from WEB server by selecting multimedia function of the application, by using the client's application (column 8, lines 6-8 and lines 24-28).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Applicant's Admitted Prior Art (AAPA).

Regarding claim 4, although the system disclosed by Brunson shows substantial features of the claimed invention, as discussed above, it fails to disclose a client application interlocking with HTTP without necessity of activating browser at the client side, while semi real time electronic message communication (chat) is possible by using WEB server in order to pass through open port 80 of proxy server/firewall for communication with external Internet from Intranet environment. According to Applicant's Admitted Prior Art (AAPA) (page 3, lines 15-17), it is known that access to the Internet via the Intranet is done via port 80. Brunson discloses use of communication via the Internet and Intranet; consequently it would have been obvious to one of ordinary skill in the art to modify Brunson to include open port 80 of proxy server/firewall for communication with external Internet from Intranet environment in order to efficiently route HTTP operations to the application.

Regarding claim 11, although the system disclosed by Brunson shows substantial features of the claimed invention, as discussed above, it fails to disclose the Internet popular cipher

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method such as SSL or SET interlocking with HTTP for communication between client's application and web server. The Office takes official notices that the Internet popular cipher method such as SSL or SET interlocking with HTTP for communication between client's application and servers are commonplace in systems, such as the system disclosed by Brunson. A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brunson by employing the conventional feature of SSL or SET interlocking in order to ensure that the data being transmitted is kept secure and private.

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of U.S. Patent No. 5,793,365 to Tang et al. (hereinafter "Tang").

Although the system disclosed by Brunson shows substantial features of the claimed invention, as discussed above, it fails to disclose the WEB server having a function to check the client side at any time and to check whether or not clients are connected with the WEB server, or whether clients are ready to accept chat communication, or whether the client side has any request or instruction to WEB server. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Brunson, as evidenced by Tang.

In an analogous art, Tang discloses a system for communicating data between members of a workgroup including a WEB server having a function to check the client side at any time and to check whether or not clients are connected with the WEB server, or whether clients are ready to accept chat communication, or whether the client side has any request or instruction to WEB server (column 3, lines 41-52 and Fig. 2). Given the teaching of Tang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of

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modifying Brunson by employing the conventional feature checking the availability of a client, such as disclosed by Tang, in order to efficiently assess the appropriateness and likelihood of success of communicating with other users.

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of U.S. Patent No. 6,430,409 to Rossmann (hereinafter "Rossmann").

Although the system disclosed by Brunson shows substantial features of the claimed invention, as discussed above, it fails to disclose the WEB server having CGI interface to be able to continuously distribute several types of information in the form of character to the application of client's PC in the stipulated procedure through WEB server from provider outside of WEB server. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Brunson, as evidenced b Rossmann.

In an analogous art, Rossmann discloses a two-way data communication device that processes and transmits messages to and from users with a WEB server having CGI interface to be able to continuously distribute several types of information in the form of character to the application of client's PC in the stipulated procedure through WEB server from provider outside of WEB server (column 27, lines 11-16). Given the teaching of Rossmann a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Brunson by employing this conventional feature, such as disclosed by Rossmann, in order to personalize the system according to the individual user based upon their preferences of desired information from various content providers.

Conclusion

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18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,240,443 to Suzuki et al.

U.S. Patent No. 6,421,706 to McNeill et al.


19. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mareisha N. Winters *MNW*
Patent Examiner
Art Unit 2153
June 14, 2003


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